

REMARKS/ARGUMENTS

Remarks Regarding Amendments in the Claims:

Claims 40-46, 48 and 49 are pending. Claims 1-39, 47, 50 and 51 were previously cancelled. Claim 40 is currently amended as shown in the listing of claims. The amendment are supported, for example, by Figures 2 and 2b, page 2, lines 19-24 and page 3, lines 28-30.

Claim Rejections – 35 USC 112

Claim 40-46, 48 and 49 were rejected as being indefinite because of the reference to "the distal edge" on line 21 of claim 40. Claim 40 has been amended to refer to the distal edges of each of the side members as previously introduced in line 21. The Applicant submits that the claims are not indefinite.

Claim Rejections – 35 USC 103

The claims were rejected as being obvious over a combination of British Patent Application No. 2 265 664 (GB '664) in view of Barnes (U.S. 306,806) and Ausubel (U.S. 2,489,072) and for claims 46, 48 and 49 further in view of additional references. The Applicant respectfully traverses this rejection.

Claim 40 has been amended to state that no part of the distal edges of each of the side members extends in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion by more than the shortest distance in a horizontal direction from the free vertical edge portion to a part of the portion of the lockset that protrudes through the front surface of the door.

The Office Action states on pages 4 and 5 that it would be obvious to combine GB '664 with Barnes and Ausubel to produce a U-shaped reinforcing member having side members that extend horizontally inwards from the edge of the door past the lockset and vertically substantially along the height of the door, except in the area of the lockset where the side members would be cut-out to go around the lockset.

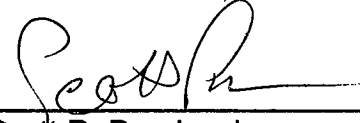
Claim 40, amended as described above, clarifies that such a device would not be within the claims. In a device as described in the Office Action large parts of the distal edges of the side members would extend inwards from the free vertical edge portion of the door by more than the shortest distance to a part of the portion of the lockset protruding through the front surface of the door. This is in contrast to claim 40 in which no part of a distal edge may extend inwards by that distance. Claim 40 has been further amended to specify that the U-shaped member engages the free vertical edge, front surface and rear surface of the door without being screwed to any of these parts of the door. In contrast, page 6, lines 3-4 of GB '664 noted at page 4 of the Office Action, describes screws into the front and rear surfaces of a door. Accordingly, the Applicants submit that the combination of the references proposed in the Office Action would not provide all elements of the claims and so the claims are not obvious.

The Applicants further submit that it would not be obvious to combine the references as suggested in the Office Action. Considering the references together, GB '664 is directed at a security device and shows holes in the side members to receive the lockset. Ausubel is directed at "a plate of Celluloid or plastic adapted to be fitted on a door... so as to prevent the door from becoming soiled near the handles thereof..." (column 1, lines 6-9). A person skilled in the art intending to make a security device and with the cited references in hand would need to choose between the side member of GB '664 and the side member of Ausubel. Since GB '664 promises a device that will provide security whereas Ausubel promises only to provide a convenient way to keep the door clean, the Applicant submits that the person skilled in the art will choose the design of GB '664 since it is the only one that promises to reinforce the door. While the Office Action alleges that the device in Ausubel provides some reinforcement, this allegation is made without support by any evidence or teaching in the references. Even if Ausubel does provide some small measure of reinforcement, the person skilled in the art is still led to assume that the arrangement in GB '664 provides more or better reinforcement.

Having the Barnes reference also in hand does not make the alleged combination obvious. Again, the person skilled in the art must choose between the teaching of Barnes and GB '664 and reconcile their differences. GB '664 teaches that the height of the device may vary, but the height is varied "to reinforce the door or window in the proximity of as many locking mechanisms as required." (page 5, lines 23-26.) Thus the teaching in GB '664 does not extend to a variance in height to substantially the height of the door, but rather to a variance in height only to the extent required to reinforce an area around a variable number of locking mechanism. Barnes suggests having no side members anywhere. The teaching of these references is therefore contrary to a combination that would produce the Applicants' claims. To arrive at the claimed device requires removing part of the side member of GB '664 in the area of the locking mechanisms in contravention of the teaching in GB '664 that it is important to reinforce the area around the locking mechanisms. Producing the claimed device also requires providing side members near the top and bottom of the door in contrast to the cited reference which all suggest that side members are not required near the top and bottom of the door. The Applicants submit therefore that the cited references do not obviously lead to any combination that provides the claimed invention.

For the reasons above, in addition to the reasons provided in previous responses, the Applicants submit that the claims are not obvious.

Respectfully submitted,
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